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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/580,997	05/26/2006	Piero Andreas Madar	PU030323	7261
24498	7590	02/25/2009	EXAMINER	
Robert D. Shedd Thomson Licensing LLC PO Box 5312 PRINCETON, NJ 08543-5312			VAUGHAN, MICHAEL R	
			ART UNIT	PAPER NUMBER
			2431	
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			02/25/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/580,997	<b>Applicant(s)</b> MADAR ET AL.	
	<b>Examiner</b> MICHAEL R. VAUGHAN	<b>Art Unit</b> 2431	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 December 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____.  | 6) <input type="checkbox"/> Other: ____.                          |

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### **DETAILED ACTION**

The instant application having Application No. 10/580997 is presented for examination by the examiner. Claims 1-20 are pending. Claims 1, 4, 5, 7, 8, 11, 12, 14-16, 19 and 20 are amended.

### ***Information Disclosure Statement***

The newly submitted IDS will not be entered because the cited reference and its translation was already cited and submitted by the examiner on the last office action. The reference will however appear on the patent should this application become allowable.

### ***Response to Amendment***

### ***Drawings***

Newly submitted drawings are accepted.

### ***Response to Arguments***

Applicant's arguments filed 12/23/08 have been fully considered but they are not persuasive. The allegation is that the prior art of record, Tsurui does not teach storing the password in the same program chain as the selected title. Examiner respectfully disagrees for the following reasons.

Applicant is unsure whether or not Tsurui teaches storing the password on the disc. First of all, Tsurui teaches a first password and second password. The first password is stored on the disc, evident clearly by paragraph 0038, "the recording medium 101, which has the first password registered on it". Secondly, this first password is part of the program collation for the selected titles. In paragraph 0037 the password as input is stored along with the title. The part of the specification in which Applicant's, 0042-0046, is the part of the program chain which is storing the second password. The second password is the one entered at the time of viewing the material. The second password must match the first password in order for that title to be displayed. Whether or not the first password is stored in PC#1 or PC#10 is moot because it's the same program chain [collation] which leads to the selected title being displayed. It is evident from other embodiments of Tsurui that more than one title can be stored a disc and each title can have its own password. Examiner interprets this to

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mean each title having its own chain has its own first password in the chain which is compared to the second password entered at the time of title selection.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-20 are rejected under 35 U.S.C. 102(a) as being anticipated by Japan Patent Publication 2003-132624 to Tsurui.

As per claims 1 and 8, Tsurui teaches a method and a digital recording and playback apparatus comprising:  
enabling a user to record digital signals onto a digital storage medium (0030);  
receiving a password from said user (0033);  
storing said password on said digital storage medium in a same program chain as said selected recording title (0037); and  
requiring said password to be input before playing back said selected recording title (0030).

As per claim 16, Tsurui teaches a digital storage medium, comprising:  
a plurality of reserved data fields [DVD standard] (0027); and  
a plurality of unreserved data fields including a first program chain for a recording title selected by a user (0037); and  
wherein said first program chain further includes a user-assigned password for said selected recording title (0037), and input of said user-assigned password is required before playing back said recorded digital signals (0047).

As per claims 2, 9, and 17, Tsurui teaches the digital storage medium is a DVD (0030).

As per claims 3 and 10, Tsurui teaches the step of storing menu data representing a password menu screen on said digital storage medium (0071).

As per claims 4, 11, and 18, Tsurui teaches menu data is stored in a second presentation sequence different from said first presentation sequence (0029).

As per claims 5, 12, and 19, Tsurui teaches first and second presentation sequences represent different program chains (0037).

As per claims 6, 13, and 20, Tsurui teaches the step of storing at least one command on said digital storage medium that enables display of said password menu screen (0031).

As per claims 7 and 14, Tsurui teaches password menu screen is displayed responsive to a user's attempt to playback said recorded digital signals (0047).

As per claim 15, Tsurui teaches requiring said password to be input responsive to said password menu screen before playing back said recorded digital signals (0047).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL R. VAUGHAN whose telephone number is (571)270-7316. The examiner can normally be reached on Monday - Thursday, 7:30am - 5:00pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. R. V./

Examiner, Art Unit 2431

/Syed Zia/

Primary Examiner, Art Unit 2431



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